

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**NO.:**

---

**UNDERLYING CASE**

**IN RE: NETFLIX PRIVACY  
LITIGATION**

§ Case No. 5:11-CV-00379  
§  
§ **OBJECTION TO PROPOSED**  
§ **SETTLEMENT**  
§  
§ **Honorable Judge Edward J. Davila**

---

**MOTION TO QUASH DEPOSITION**

**TO THE HONORABLE DISTRICT JUDGE:**

COME NOW, Tracey Klinge, Movant, and file her Motion to Quash her deposition and would respectfully show unto the Court the following:

**NO BASIS TO TAKE THE DEPOSITION**

1. Tracey Klinge is member of the Class. Documents supporting her membership in the class have been filed.
2. The District Court approved a settlement of the class action on March, 18, 2014.
3. Tracey Klinge timely filed a Notice of Appeal on April 17, 2014.

4. Tracey Klinge filed her brief on August 23, 2014 in the United States Court of Appeal for the Ninth Circuit in case number 13-15759.

5. The consolidated cases in the Ninth Circuit include 13-15723, 13-15733, 13-17534, 13-15751, 13-15754 and 13-15759.

6. Subsequently the District Court granted a Motion for discovery, after Tracey Klinge's brief had been. Tracey Klinge did not appear for her deposition, but filed an appeal of the Court's discovery order.

7. The appeal of the discovery order has been docketed as Case No. 13-17608.

8. Two other appeals were taken of the discovery order and they are docketed as Case No. 13-17606 and 13-17607.

9. Class Counsel have since filed a Motion for Contempt against all parties who appealed the Court's Discovery and Bond Order.

10. Class Counsel have now served a Subpoena on Tracy Klinge that is the same as the original deposition notice served on Tracy Klinge after her brief had been filed

11. Tracey Klinge is the daughter of the undersigned who is also her attorney of record in the cases pending before the Ninth Circuit.

12. The undersigned drafted and otherwise prepared the Objection which was filed in the District Court.

13. The undersigned drafted and otherwise prepared the brief which was filed in the Ninth Circuit..

14. Tracey Klinge's objection followed the Court's order and her grounds for objecting to settlement.

15. Tracey Klinge's brief state her points of error.

16. There is no question that Tracey Klinge is member of the Class and that she has stated her grounds for objecting to the settlement.

17. Class Counsel have apparently decided to depose her after the settlement was approved, after a notice of appeal was filed and after her brief has filed.

18. The subpoena notices have been issued not to gain any information but solely to harass anyone who has objected to the proposed settlement or dared to appeal.

19. Tracey Klinge has fully followed the Federal Rules Civil Procedure and she should not be subjected to further harassment through the discovery process.

20. Class Counsel's action are outrageous and should shock the Court

.

**PRAYER**

Movant requests the Court to quash her deposition and for further relief as necessary.

Respectfully submitted,

/s/ Thomas L. Cox Jr.

Thomas L. Cox, Jr.

S.B. 04964400

4934 Tremont

Dallas, TX 75214

(469) 531-3313

tcox009@yahoo.com

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served the foregoing document to the following by regular mail and email postage prepaid:

Rafey S. Balabanian  
Ari J. Scharg  
Chandler R. Givens  
Jay Edelson  
j. Nominik Larry  
Edelson McGuire LLC  
350 N. LaSalle, Suite 1300  
Chicago, IL 60654

/s/Thomas L. Cox Jr.